

\*\*E-Filed 9/26/05\*\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN D. MARTINEZ, et al.,

Plaintiffs,

v.

MONTEREY COUNTY, CALIFORNIA, et al.,

Defendants.

Case Number C 05-2950-JF

ORDER (1) GRANTING IN PART  
PLAINTIFFS' MOTION FOR ORDER  
SHORTENING TIME; (2) SETTING  
BRIEFING SCHEDULE ON  
PLAINTIFFS' MOTION TO LIFT  
STAY; AND (3) DEFERRING  
CONSIDERATION OF PLAINTIFFS'  
RENEWED *EX PARTE*  
APPLICATION FOR TRO AND  
RENEWED MOTION FOR  
PRELIMINARY INJUNCTION

[Doc. Nos. 43, 48, 54, 56]

On September 22, 2005, Plaintiffs filed the following motions: a motion to lift the stay in this action, a renewed *ex parte* application for a temporary restraining order ("TRO") and renewed motion for preliminary injunction, and a motion for order shortening time to hear these motions. On September 23, 2005, the Secretary of State filed a letter brief in response to Plaintiffs' motions, arguing among other things that this Court should continue to abstain in this case pursuant to *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976).

1 The motion to lift the stay properly should be determined before consideration of the  
2 merits of the renewed application for TRO and motion for preliminary injunction. The Three  
3 Judge Panel assigned to this case therefore GRANTS IN PART Plaintiffs' motion for order  
4 shortening time and sets the following expedited briefing schedule on the motion to lift the stay:  
5 any opposition shall be filed and served before 5:00 p.m. on October 3, 2005; any reply shall be  
6 filed and served before 5:00 p.m. on October 6, 2005. The motion to lift the stay thereafter will  
7 be taken under submission without oral argument unless the parties are notified otherwise. If it  
8 decides to lift the stay, the Panel will set an appropriate briefing schedule on the renewed  
9 application for TRO and motion for preliminary injunction.

10 On behalf of the Panel, IT IS SO ORDERED.

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14 DATED: September 26, 2005

15 /s/ electronic signature authorized

16 JEREMY FOGEL  
17 United States District Judge  
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